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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/099,966	03/19/2002	Hiromi Ukai	62807-015	7234
7590 01/31/2005		EXAMINER		
McDermott, Will & Emery		YOUNG, JOHN L		
600 13th Street, N.W.		ART UNIT		
Washington, DC 20005-3096		PAPER NUMBER		

3622

DATE MAILED: 01/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/099,966

Applicant(s)

UKAI ET AL.

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

JOHN L. YOUNG, ESQ.  
PRIMARY EXAMINER

1-23-2005  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/23/2005.

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## **FIRST ACTION REJECTION**

### **DRAWINGS**

1. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTION — 35 U.S.C. §103( a )**

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter

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pertains. Patentability shall not be negated by the manner  
in which the invention was made.

2. Claims 11-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Hirose 5,877,484 (03/02/1999) (herein referred to as "Hirose").

As per claim 11, Hirose (FIG. 5; FIG. 3; FIG. 4; FIG. 6; FIG. 7; col. 1, ll. 50-67; col. 2, ll. 1-30; col. 3, ll. 2-67; col. 4, ll. 5-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-30; and whole document) shows: "A broadcasting/transmitting system for broadcasting or transmitting a program or CM [commercial message] comprising: coupon information broadcasting/transmitting means for broadcasting or transmitting a coupon information for requesting issuance of a coupon, together with said program . . . broadcasting/transmitting management means for determining a period, a number of time or a fee for broadcasting or transmitting said program . . . on the basis of said number of issued coupons. . . ."

Hirose lacks an explicit showing of "coupon issuance number receiving means for receiving a number of issued coupon[sic] from a service center managing a number of issued coupons for each program. . . ."

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It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Hirose (FIG. 5; FIG. 3; FIG. 4; FIG. 6; FIG. 7; col. 1, ll. 50-67; col. 2, ll. 1-30; col. 3, ll. 2-67; col. 4, ll. 5-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-30; and whole document) implicitly shows: “coupon issuance number receiving means for receiving a number of issued coupon[sic] from a service center managing a number of issued coupons for each program. . . .” and it would have been obvious to modify and interpret the disclosure of Hirose cited above as implicitly showing “coupon issuance number receiving means for receiving a number of issued coupon[sic] from a service center managing a number of issued coupons for each program. . . .”, because modification and interpretation of the cited disclosure of Hirose would have provided means for “*automatic ticket-examining. . . .*” (see Hirose (col. 1, ll. 50-55)), based on the motivation to modify Hirose “*for collecting . . . wireless tickets. . . .*” (see Hirose (col. 1, ll. 50-55)).

Claim 12 is rejected for substantially the same reasons as claim 11.

As per claim 13, Hirose (FIG. 5; FIG. 3; FIG. 4; FIG. 6; FIG. 7; col. 1, ll. 50-67; col. 2, ll. 1-67; col. 3, ll. 1-67; col. 4, ll. 5-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-

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67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-30; and whole document) shows: “A broadcasting/transmitting system for broadcasting or transmitting a program or CM [commercial message] comprising: coupon broadcasting/transmitting means for broadcasting or transmitting a coupon together with said program . . . coupon use number receiving means for receiving a number of used coupon from a service center managing the number of . . . coupons for each program or commercial message; and broadcasting/transmitting managing means for determining a period, a number of times or a fee for broadcasting or transmitting said program . . . on the basis of said number of . . . coupons.”

Hirose lacks an explicit showing of “used coupons. . . .”

It would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Hirose (col. 2, ll. 1-67; col. 3, ll. 1-67; FIG. 5; FIG. 3; FIG. 4; FIG. 6; FIG. 7; col. 1, ll. 50-67; col. 4, ll. 5-67; col. 5, ll. 1-67; col. 6, ll. 1-67; col. 7, ll. 1-67; col. 8, ll. 1-67; col. 9, ll. 1-67; col. 10, ll. 1-67; col. 11, ll. 1-30; and whole document) implicitly shows: “used coupons. . . .” and it would have been obvious to modify and interpret the disclosure of Hirose cited above as implicitly showing “used coupons. . . .” because modification and interpretation of the cited disclosure of Hirose would have provided means for “*automatic ticket-examining. . . .*” (see Hirose (col. 1,

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ll. 50-55)), based on the motivation to modify Hirose “*for collecting . . . wireless tickets. . .*” (see Hirose (col. 1, ll. 50-55)).

Claim 14 is rejected for substantially the same reasons as claim 13.

Claim 15 is rejected for substantially the same reasons as claim 11.

Claim 16 is rejected for at least substantially the same reasons as claim 15.

Claim 17 is rejected for substantially the same reasons as claim 14 and claim 16.

Claim 18 is rejected for substantially the same reasons as claim 17.

### CONCLUSION

3. Any response to this action should be mailed to:

Commissioner for Patents

P. O. Box 1450

Alexandria, VA 22313-1450

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Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

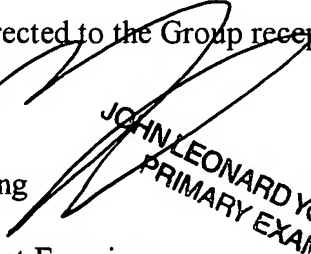
Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801 or (571) 272-6725. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469 or (571) 272-6724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
John L. Young

Primary Patent Examiner

  
JOHN LEONARD YOUNG, ESQ.  
PRIMARY EXAMINER

January 23, 2005